

COUNTY OF YORK

MEMORANDUM

DATE: October 28, 2002 (BOS Mtg. 11/19/2002)

TO: York County Board of Supervisors

FROM: James E. Barnett, County Attorney

SUBJECT: Proposed annexation/deannexation agreement with City of Williamsburg

For some time now, staff in both the City of Williamsburg and the County of York have been discussing the advisability of relocating a portion of the jurisdictional boundary line between the City and County in order to remedy a number of situations where the boundary line does not follow individual property lines, but instead splits those parcels.

In one case, being a parcel owned by G Square, Inc. and located at 2227A Richmond Road, the jurisdictional line runs through the center of a commercial building. In the case of Pirate's Cove miniature golf course, the business is located in the County while its parking lot, or major portions of it, are located in the City of Williamsburg. Another undeveloped property, 3006 Mooretown Road adjacent to the K-Mart, is located largely in the County, but much of its road frontage on Mooretown Road is located in the City. In each case, the proposed boundary line adjustment agreement would relocate the entire parcel either into York County or into the City of Williamsburg.

As the Board is aware, part of the impetus for the discussions leading to the proposed annexation agreement was the institution of a private annexation lawsuit in August 2000 by G Square, Inc. demanding that its entire parcel be annexed into the City of Williamsburg. Noting that most of the property is located in the City and that the arguments advanced in favor of the annexation petition were not entirely without merit, this office approached the Williamsburg City Attorney and the attorney representing G Square, Inc. to ask if the annexation petition could be settled in the context of a larger agreement which would resolve the status of several other parcels also rent in two by the jurisdictional line. The attached proposed annexation and deannexation agreement is the result of those negotiations. The general outline of the agreement has been discussed by the respective counsel with both governing bodies, with each governing body agreeing to proceed further. As this memo is being written, the City has indicated that it will consider the matter at its meeting of November 14, 2002.

Attached are reduced copies of plats prepared by Precision Measurements, Inc. showing the existing boundary line and showing by various kinds of shading those portions of parcels proposed to be annexed into the City and those portions proposed to be deannexed into the County. I have also included a corporate line relocation analysis performed by the County Assessor's Office, showing the current tax assessed values for each of the parcels affected, and the immediate tax impact which would result from the ratification of the draft annexation/deannexation agreement. (Parcel 12 has been left off the chart, as it consists entirely of a portion of a private roadway which will be brought into the County. I have been advised by staff in the Assessor's Office that the parcel will have no tax impact.) As you can see, initially York County would stand to lose approximately \$500.00 annually in real estate

taxes. However, it has been the advice of the County Assessor's Office that the impact of the agreement over time will most likely inure to the County's benefit, particularly in light of the incorporation into the County of all of the road frontage along Mooretown of that undeveloped commercial property shown as now or formerly owned by W & H Realty, Inc. and being located adjacent to the Williamsburg area K-Mart. Moreover, the corporate line relocation will likely result in savings to be realized by County staff through administrative simplification once the Assessor's Office, the Treasurer, and the Commissioner of Revenue no longer need to concern themselves with taxing portions of the affected parcels.

For your information, Code of Virginia § 15.2-3106 *et seq.* authorizes local governments, by agreement, to relocate their common boundary lines. The agreement effecting the relocation must be approved by each jurisdiction following the publication of a notice once a week for two successive weeks in a newspaper having general circulation in each locality. The advertisement for your public hearing is scheduled to be advertised twice in both the Williamsburg Gazette and the Daily Press. In addition, I have sent correspondence to each of the affected property owners to advise them of this proposal. Once the agreement has been approved by both jurisdictions, they must jointly petition either the city or county circuit court (but not both) to approve the boundary line readjustment agreement. I would not expect the circuit court to refuse to approve an agreement of this nature. Indeed, Code of Virginia § 15.2-3108 indicates that the court "shall approve the agreement once the court determines that the required procedures have been followed and that the petition is otherwise in proper order." Resolution R02-159, if adopted, will approve the agreement and authorize the County Administrator and the County Attorney to take all necessary steps for its approval by an appropriate circuit court.

I recommend the adoption of Resolution R02-159.

Barnett/3340:swh

Attachments

- ? Plats showing proposed boundary line adjustment
- ? Proposed annexation and deannexation agreement
- ? Resolution R02-159